

PATENT  
Customer No. 22,852  
Attorney Docket No. 03804.0118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E J C I O C  
NOV 19 2003  
P A T E N T T R A D E M A R K  
In re Application of: )  
Martine BARKATS et al. ) Group Art Unit: 1636  
Application No.: 08/765,026 ) Examiner: David Guzo  
C.P.A. Filed: January 29, 2001 )  
For: ADENOVIRUS INCLUDING A )  
GENE CODING FOR A )  
SUPEROXIDE DISMUTASE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

A copy of the listed document is attached.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies this document as prior art

00000026 08765026

180.00 0P

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

11/21/2003 CCHAU1

02 FC:1806

against any claims in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 19, 2003

By: \_\_\_\_\_

Charles D. Niebylski  
Reg. No. 46,116

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	03804.0118	Appln. No.	08/765,026
Applicant	Martine BARKATS et al.		
CPA Filing Date	January 29, 2001	Group:	1636 - Examiner David Guz

## U.S. PATENT DOCUMENTS

Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
		WO 87/10387	March 12, 1987	WIPO			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce